

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

GEORGE ROBERT STUDNICKA,

Civil No. 05-723 (JRT/FLN)

Plaintiff,

v.

ORDER

A. DANIEL PINHEIRO,
et al.,

Defendants.

GEORGE ROBERT STUDNICKA, #12658-004, FCI, P. O. Box 699, Estill, SC 29918-0699, pro se plaintiff.

WILLIAM R. STOERI and ILYSE GOLDSMITH, **DORSEY & WHITNEY, LLP**, 50 South Sixth Street, Suite 1500, Minneapolis, Minnesota 55402, for defendants.

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated January 30, 2006, all the files and records, and no objections having been filed to said Report and Recommendation,

IT IS HEREBY ORDERED that Defendants' motion for summary judgment is GRANTED [#24]; Defendants' motion to dismiss Plaintiff's medical malpractice claims is GRANTED [#33]; Plaintiff's motion to deny Defendants' motion for summary judgment is DENIED [#32]; and Plaintiff's complaint is DISMISSED WITH PREJUDICE.

LET JUDGMENT BE ENTERED ACCORDINGLY.

DATED: February 17, 2006
at Minneapolis, Minnesota

s/John R. Tunheim
JOHN R. TUNHEIM
United States District Court